

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

UNITED STATES OF AMERICA) DOCKET NO.: 1:23-CR-33-MOC
)
v.) FACTUAL BASIS
)
BRANDON TYLER BUCHANAN)

NOW COMES the United States of America, by and through Dena J. King, United States Attorney for the Western District of North Carolina, and hereby files this Factual Basis in support of the plea agreement filed simultaneously in this matter.

This Factual Basis is filed pursuant to Local Criminal Rule 11.2 and does not attempt to set forth all of the facts known to the United States at this time. By their signatures below, the parties expressly agree that there is a factual basis for the guilty plea(s) that the defendant will tender pursuant to the plea agreement, and that the facts set forth in this Factual Basis are sufficient to establish all of the elements of the crime(s). The parties agree not to object to or otherwise contradict the facts set forth in this Factual Basis.

Upon acceptance of the plea, the United States will submit to the Probation Office a "Statement of Relevant Conduct" pursuant to Local Criminal Rule 32.4. The defendant may submit (but is not required to submit) a response to the Government's "Statement of Relevant Conduct" within seven days of its submission. The parties understand and agree that this Factual Basis does not necessarily represent all conduct relevant to sentencing. The parties agree that they have the right to object to facts set forth in the presentence report that are not contained in this Factual Basis. Either party may present to the Court additional relevant facts that do not contradict facts set forth in this Factual Basis.

1. Brandon Tyler Buchanan is an enrolled member of the Eastern Band of Cherokee Indians. The victim, 25-year-old K.T., was an enrolled member of the Eastern Band of Cherokee Indians on the date of his murder on November 11, 2022.

2. At 4:30 p.m. on that date, Cherokee Indian Police Officers responded to 868 Big Cove Road in Cherokee, North Carolina following a 911 call reporting that someone had been shot. The incident location is on the Qualla Boundary, which is Indian Country, within the Western District of North Carolina.

3. When officers arrived, they encountered two males. One of the men, later identified as BUCHANAN said, "I shot someone down there by the trees ... they were trying to hurt my family." He appeared to be crying.

4. The body of K.T. was discovered a short distance away behind a row of trees. He was deceased, having been shot three times in the back, once in the shoulder, and with a fifth grazing gunshot wound having hit the top of his head.

5. BUCHANAN was arrested without incident and was cooperative with officers. BUCHANAN told them he had tossed the gun nearby and that it had been intended for "C.L." No firearm was recovered in the area where BUCHANAN indicated. A Smith & Wesson, Model M&P, .9mm handgun was later found in BUCHANAN's apartment. Laboratory testing later confirmed it was the firearm used to shoot and kill K.T.

6. BUCHANAN was interviewed at the police station. He described picking up K.T. around 12:30 p.m. that day at bingo before going to a local Mexican restaurant together. BUCHANAN said he dropped K.T. off at his vehicle before going home. BUCHANAN continued to state that he shot "C.L." during a confrontation. He admitted that he did not know if C.L. was armed. Officers later revealed to BUCHANAN that he shot K.T. BUCHANAN said that was his friend, and that if it was true, he "just needs to do [his] time."

7. By his plea, BUCHANAN admits to the crime of murder in the second degree for his act of shooting and killing K.T. with malice aforethought.

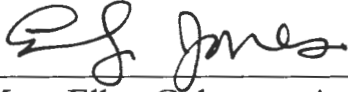
DENA J. KING
UNITED STATES ATTORNEY



ALEX M. SCOTT
ASSISTANT UNITED STATES ATTORNEY

Defendant's Counsel's Signature and Acknowledgment

I have read this Factual Basis, the Bill of Indictment, and the plea agreement in this case, and have discussed them with the defendant. Based on those discussions, I am satisfied that the defendant understands the Factual Basis, the Bill of Indictment, and the plea agreement. I hereby certify that the defendant does not dispute this Factual Basis.



Mary Ellen Coleman, Attorney for Defendant
Emily M. Jones, Attorney for Defendant

DATED: 5/24/24